

**EXHIBIT D**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

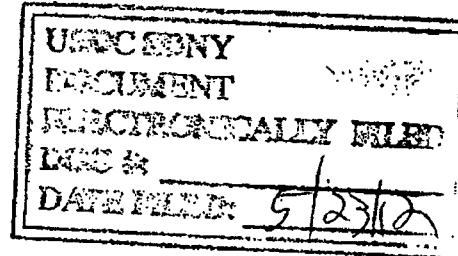
BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

MADOFF SECURITIES

12-mc-0115 (JSR)



**PERTAINS TO:**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

IDA FISHMAN REVOCABLE TRUST, *et al.*,

Defendants.

Consolidated Case No.  
11-cv-7603 (JSR)

ECF Case

**FINAL JUDGMENT DISMISSING  
CERTAIN CLAIMS**

This action came before the Court on motions to dismiss the complaints and amended complaints in actions later consolidated for certain purposes under Case No. 12-mc-0115 (JSR). The motions came on for hearing before the Court, and the Court issued, in Case No. 12-mc-0115 (JSR), an Order on April 27, 2012 (ECF No. 57) ("Dismissal Order"), an Opinion and Order on April 30, 2012 (ECF No. 72), a Supplemental Opinion and Order on

May 15, 2012 (ECF No. 101), and a Consent Order Granting Certification Pursuant to Fed. R. Civ. P. 54(b) for Entry of Final Judgment Dismissing Certain Claims and Actions on May 12, 2012 (ECF No. 101), which consolidated into Case No. 11-cv-7603 (JSR) (the "Fishman Action") all of the pertinent actions listed in the exhibits to the Dismissal Order for purposes of the entry of judgment dismissing the claims in those actions that sought avoidance of: (1) preferences under section 547 of the Bankruptcy Code; (2) constructive fraudulent transfers under section 548(a)(1)(B) of the Bankruptcy Code; and (3) actual and constructive fraudulent transfers or fraudulent conveyances under provisions of the New York Debtor & Creditor Law incorporated by section 544(b) of the Bankruptcy Code.

**IT IS ORDERED AND ADJUDGED**, pursuant to Fed. R. Civ. P. 54(b):

Defendants' motions to dismiss the complaints and amended complaints, as consolidated in the Fishman Action for purposes of the entry of judgment and appeal, are granted with respect to and to the extent of all of the claims that sought avoidance of: (1) preferences under section 547 of the Bankruptcy Code; (2) constructive fraudulent transfers under section 548(a)(1)(B) of the Bankruptcy Code; and (3) actual and constructive fraudulent transfers or fraudulent conveyances under provisions of the New York Debtor & Creditor Law incorporated by section 544(b) of the Bankruptcy Code, and such claims are dismissed.

Dated: New York, New York

5/22, 2012

  
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JED S. RAKOFF, U.S.D.J.

ENTERED ON \_\_\_\_\_, 2012

RUBY J. KRAJICEK  
Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk